IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3253 OF 2004

IN

CRIMINAL APPEAL NO. 286 OF 2003

The State of Maharashtra ... Applicant
V/s
Kallappa S. Pirai & Ors. ... Respondents

Mrs. V.R. Bhonsale, APP for the State
None present for respondents

CORAM: V.G. PALSHIKAR
AND
R.C.CHAVAN,JJ.
DATE : 30TH JUNE 2005.

P.C.

1. For the reasons mentioned in the application, delay in filing application for leave to appeal against the order of acquittal is condoned. Heard the learned APP for the State on merits of the application for the reliefs.

2. Taking into consideration the findings of the learned trial judge that the evidence was inadequate and whatever evidence or oral testimony of witnesses was not conformity with the medical evidence on record. Having reached such conclusion, the learned trial judge should not be found wrong if he

acquitted the accused for inadequate evidence on record. Therefore, the order of the learned trial judge cannot be called illegal or perverse and it does not require interference. Hence, leave is refused.

V.G. PALSHIKAR,J.

R.C. CHAVAN,J.